

JUL 2 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

JAW-SHI WANG,

Petitioner - Appellant,

v.

JOHN ASHCROFT, Attorney General, et al.,

Respondents - Appellees.

No. 01-56331

D.C. No. CV-01-00719-K/RBB

ORDER*

Appeal from the United States District Court
for the Southern District of California
Judith N. Keep, District Judge, Presiding

Submitted March 14, 2003**
San Francisco, California

Before: NOONAN, TASHIMA, and WARDLAW, Circuit Judges.

Jaw-Shi Wang appeals from the denial of his petition for habeas relief. The sole ground for appeal is his contention that INA § 212(h) violates equal

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

protection in its disparate treatment of lawful permanent residents (LPRs). We rejected this very argument in *Taniguchi v. Schulz*, 303 F.3d 950, 958 (9th Cir. 2002) (“[Appellant’s] equal protection claim fails because the INS has advanced a rational explanation for the difference in treatment between LPR and non-LPR aggravated felons.”).

AFFIRMED.